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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Fritz WILHELM et al

Patent App. 10/530,216

Filed 30 March 2005

Conf. No. 1268

For METHOD AND DEVICE FOR THE CONTINUOUS PRODUCTION OF POLYEST

Art Unit 1711

Examiner Acquah, S

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

SECOND AMENDMENT

This is in response to the Office Action mailed
27 June 2006.


Applicant herewith elects the apparatus of claims 11 - 25
with traverse.

It is noted that this is a PCT case where there is a specific rule allowing method and apparatus claims to coexist in the same application. More particularly 37 CFR 1.475(b) states that a "national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories ... (4) A process and an apparatus or means specifically designed for carrying out the said process."

This case therefore falls squarely under this rule and the requirement for restriction is wrong and must be withdrawn. Here, in fact, the apparatus claim specifically refers to the process claim, so there can be no possibility of this case falling outside 37 CFR 1.475(b).

Examination of all claims is therefore in order.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



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Enclosure: None.